

AMENDMENT TO THE DRAWINGS

Figs. 3, 6 and 7 have been amended. The attached sheets of formal drawings replace the original sheets including Figs. 3, 6 and 7.

REMARKS/ARGUMENTS

The Office Action of May 18, 2005, has been carefully considered.

It is noted that the drawings are objected to under 37 C.F.R. §1.83(a) and 1.84(p)(5).

Claim 1 is rejected under 35 U.S.C. §112, second paragraph.

Claim 1 is further rejected under 35 U.S.C. §103(a) over the patent to Yoshida in view of the patent to Pavely.

In connection with the Examiner's objections to the drawings, applicant has enclosed herewith substitute sheets of drawings in which a reference numeral 1 has been added to indicate the packaging and appropriate cross-hatching to indicate the metal and the plastic has also been added.

With these changes, it is respectfully submitted that the objections to the drawings are overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has canceled claim 1 and added new independent claim 2.

It is respectfully submitted that the claim now on file particularly points out and distinctly claims the subject matter which applicant regards as the invention. In drafting new claim 2, applicant has addressed the points raised by the Examiner concerning antecedent basis and use of the term "it."

In view of these considerations, it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. §112, second paragraph, is overcome and should be withdrawn.

It is respectfully submitted that the claim now on file differs essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Pavely, it can be seen that this patent discloses a metal can end with a plastics closure. Pavely describes a two-part piece made up of a metal lid with a lateral hole 11 near a riveting edge 10. The hole is surrounded by a flange 16 that is bent down to form a 90° angle and has the function of serving as an anchorage for the closing system 12 which has a "drop" or "rectangular" shape. The second piece of the Pavely construction is the closure 12 and this is made of nylon or other hard material that is

molded in the hole 11 of the metallic lid. A pull tab 15 is attached to the closure 12 and has an orifice provided with a thin fin 152 to accommodate a finger for dislocating the pull tab 15.

Breakage of the lower part of the closure 12 is caused when the upwardly directed traction of the puller 15 forces the pull 14 against the cutting edge 161, located at the hole flange 16. Due to this movement, after the breakage, an inclination of part 23 of the closure causes a hinge effect at the “V” groove 22 which has a reduced thickness to permit the inclination. When the two parts 23 and 25 join at the V groove 22, a lever effect results which facilitates the removal of the remainder of the closure.

The patent to Yoshida discloses a lift device for a wide-mouth container. This construction has three components that are used in the fabrication of the lid/ring piece. In other words, a metallic ring, an aluminum disc and an ejected plastic resin part that acts as a joint element of the metal ring and the aluminum disc.

Yoshida teaches two different models of metallic ring (see Figs. 2 and 9) and five different of opening of the device. A first type of metal ring is shown in Fig. 3 and is stamped and bent in its border in order to receive a sealer to provide a hermetic seal. In a central area, the ring is provided with an aperture and in a border region a semicircle is bent in a hook form for anchoring of the plastic resin at the time of injection.

Fig. 9 shows an embodiment in which the metal ring is stamped and bent in the border region to receive a seal that provides sealing during the application of the lid to the can. The central part of the metal ring is provided with an aperture that has a folded down border to form a wall with a 90° pleat followed by a small extension for anchorage and a resin breakage point.

The aluminum disc shown in Fig. 4 has a varnish covering and has the function of impeding the passage of humidity inwardly and outwardly. According to Yoshida, the exterior surface of the disc can be provided with printing because the assembly of the disc with the ring and the resin happens in a later process, as shown in Fig. 13. Relative to the different types of openings, it is noted that four of them are injected in the first ring (Fig. 3) and present the following configuration:

- (1) Presents a total opening system through a pre-cut that, when broken by the force applied through the puller, removes all of the central area (Fig. 3).

(2) Presents a partial opening system wherein only $\frac{1}{4}$ of the plastic part and the aluminum disc that covers the aperture remain fixed to the metallic ring (Fig. 6).

(3) Presents a total opening system, but the central area is not completely removed since $\frac{1}{3}$ remains fixed to the metallic ring. With this type of opening, the puller gets dislocated from the border of the pre-cut outside the area that will remain fixed to the package (Fig. 19).

(4) Fig. 4 presents a total opening of the central area and in this removed part a reservoir is molded by the injection process in which a product is accommodated that will be added to the package contents. This reservoir receives in its opening an aluminum disc with a bent edge at the cut for its removal at the time of mixture of the products (Fig. 21).

(5) This opening is related to the second ring (Fig. 9) and it is a total opening, but due to the different outline of the ring, it can be re-closed with the central part that was removed after its opening. This is possible because during the injection process, the plastic resin copies the outline of the ring so that the lid can be re-inserted.

During the process of fabrication of these pieces, first the aluminum disc is placed on the metal ring (Fig. 11) and afterwards, it is put in the matrix that, during closing, provokes the breakage of the disc near to the puller position (Fig. 13), initiating the injection process, this breakage allows the passage of the plastic resin forming the puller, anchoring the plastic part and the aluminum disc on the metallic ring (Fig. 15).

The Examiner combined these references in determining that claim 1 would be unpatentable over such combination. Applicant respectfully submits that the combination of references does not teach the presently claimed invention.

The references describe a metallic ring, probably a stamped product, that is inserted in a matrix for application of the plastic resin to thereby form the piece together with the closure. Yoshida, besides the metallic ring 3 uses other materials 7 that are inserted in the matrix while molding the piece. These materials can be aluminum layers, synthetic sheets, etc. These materials in the molding process are anchored on the resin and have the objective of providing impermeability to the closure system. Yoshida teaches two types of opening, one by breaking the plastic resin by force applied over a fragile area and the other by shearing the plastic resin. Pavely teaches a metallic piece 10 that is more of a lid than a ring. The piece has a configuration of the lid or a soda or beer can with a lateral hole 11 that presents a border that is folded down 16

where the plastic resin gets anchored on during the molding process and also forms the puller that when pulled provokes the shearing of the plastic resin at the lower edge. It is respectfully submitted that this combination of references does not teach an end seal device having the features recited in the claim presently on file.

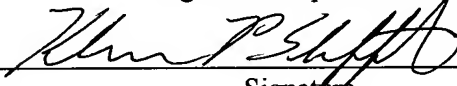
In view of these considerations, it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. §103(a) over the combination of the above discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 12, 2005:

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Name of applicant, assignee or
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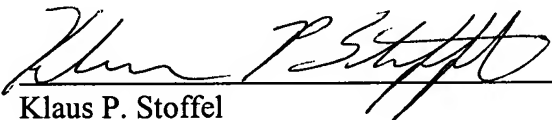

Signature

August 12, 2005

Date of Signature

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Respectfully submitted,



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